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BY ECF

The Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: *Students Against Antisemitism, Inc., et al. v. The Trustees of Columbia University in the City of New York and Barnard College*, Case No. 1:24-cv-01306-VSB-SN

Dear Judge Broderick:

We write on behalf of Defendant Barnard College (“Barnard” or the “College”) in response to Plaintiffs’ letter dated November 14, 2024, in which Plaintiffs informed the Court of an October 31, 2024, report (the “Report”) published by the Committee on Education & the Workforce of the U.S. House of Representatives. The Report is irrelevant to Barnard’s pending Rule 12(b)(6) motion to dismiss (see ECF No. 65 at 18-40). See, e.g., *Chambers v. Time Warner, Inc.*, 282 F.3d 147, 154 (2d Cir. 2002) (district court may not consider “extra-pleading material” in ruling on a Rule 12(b)(6) motion to dismiss without converting the motion to one for summary judgment).

To the extent the Court considers the Report in the context of Barnard’s Rule 12(b)(1) motion (see ECF No. 65 at 11-18), it only confirms that Plaintiffs cannot demonstrate that they face a “certainly impending” injury given the extensive steps that Barnard has taken to prevent and address antisemitism on campus. The Report’s few references to Barnard confirm that the College did not hesitate to respond to violations of its policies, including by imposing disciplinary sanctions. (See ECF No. 80-1 at 81-82; ECF No. 80-4 at 23-31.) Though Plaintiffs may complain that Barnard did not impose the harshest discipline in every instance, the Report underscores that Barnard’s response was anything but “deliberately indifferent.” (See, e.g., ECF No. 65 at 21-28; ECF No. 75 at 10-11.)

Sincerely,

/s/ Anton Metlitsky

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